

U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:21-mj-00105-1 *SEALED*
Internal Use Only

Case title: USA v. SEALED

Date Filed: 01/19/2021

Other court case number: 6:20-cr-097 (1) ED/TX – Tyler Div

Assigned to: Magistrate Judge
Frances H Stacy

Defendant (1)

Shawn Carl Gaitan

In Custody

represented by **Federal Public Defender – Houston**

440 Louisiana

Ste 310

Houston, TX 77002

713-718-4600

Fax: 713-718-4610

Email: hou_ecf@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level

(Terminated)

None

Complaints

Disposition

21 USC § 846: Conspiracy to possess with the intent to distribute and distribution of a controlled substance (methamphetamine)

Plaintiff**USA**

Date Filed	#	Page	Docket Text
01/19/2021		3	Magistrate Judge Frances H Stacy added. (sanderson, 4) (Entered: 01/19/2021)
01/19/2021	<u>1</u>	4	Copy of Sealed Indictment and Warrant from the Eastern District of Texas – Tyler Division 6:20-cr-097 (1) as to Shawn Carl Gaitan, filed.(sanderson, 4) (Main Document 1 replaced on 1/19/2021) (sanderson, 4). (Entered: 01/19/2021)
01/19/2021		14	Arrest (Rule 40) of Shawn Carl Gaitan, filed. (sanderson, 4) (Entered: 01/19/2021)
01/19/2021		12	***Set Hearing as to Shawn Carl Gaitan: Initial Appearance – Rule 40 set for 1/19/2021 at 02:00 PM before Magistrate Judge Frances H Stacy (sanderson, 4) (Entered: 01/19/2021)
01/19/2021	2		ORDER APPOINTING FEDERAL PUBLIC DEFENDER. Federal Public Defender – Houston for Shawn Carl Gaitan (Signed by Magistrate Judge Frances H Stacy) Parties notified. (bwhite, 4) (Entered: 01/19/2021)
01/19/2021		13	Minute Entry by video for proceedings held before Magistrate Judge Frances H Stacy: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Shawn Carl Gaitan held on 1/19/2021. Defendant requests appointed counsel. Financial Affidavit executed. Order appointing Federal Public Defender. Defendant ordered removed to originating district. Appearances:H Winter f/ausa; T Keck f/ausa.(Court Reporter: ERO)(Digital # 2:17–2:25/2:53–2:56)(ERO:M Morgan) Deft remanded to custody, filed.(bwhite, 4) (Entered: 01/19/2021)
01/19/2021	<u>3</u>	15	COMMITMENT TO ANOTHER DISTRICT as to Shawn Carl Gaitan. Defendant committed to the E/D/TX. (Signed by Magistrate Judge Frances H Stacy) Parties notified. (bwhite, 4) (Entered: 01/19/2021)

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:34806881@txs.uscourts.gov
Subject:Activity in Case 21-105 Sealed v. Sealed (Redacted Notice)
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/19/2021 at 12:26 PM CST and filed on 1/19/2021

Case Name: USA v. SEALED

Case Number: 4:21-mj-00105 *SEALED*

Filer:

Document Number: No document attached

Docket Text:

Magistrate Judge Frances H Stacy added. (sanderson, 4)

4:21-mj-00105 *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

Sealed
Public and unofficial staff access
to this instrument are
prohibited by court order

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA

v.

SHAWN CARL GAITAN (01)

[REDACTED]

FILED

DEC 16 2020

Clerk, U.S. District Court
Texas Eastern

4:20-MJ-0105

Case No. 6:20-CR-97
JUDGES JCB | JDL

United States Courts
Southern District of Texas
FILED

January 19, 2021

SEALED

Nathan Ochsner, Clerk of Court

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT 1

Violation: 21 U.S.C. § 846
(Conspiracy to possess with the intent to
distribute and distribution of a controlled
substance (methamphetamine))

From in or about April 2018, the exact date being unknown to the Grand Jury, and
continuing thereafter until the date of this indictment, in the Eastern District of Texas and
elsewhere, **Shawn Carl Gaitan**, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], defendants, knowingly and intentionally conspired and agreed with each other, and with persons known and unknown to the Grand Jury, to violate a law of the United States of America, to wit, 21 U.S.C. § 841(a)(1), prohibiting the possession with intent to distribute and distribution 50 grams or more of actual methamphetamine or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

All in violation of 21 U.S.C. § 846.

COUNTS 2-5

Violation: 18 U.S.C. § 924(c)
(Possession of a firearm in furtherance of a drug trafficking crime)

On or about the dates listed below, in the Eastern District of Texas, the defendants listed below, did knowingly use and carry a firearm or firearms during and in relation to, and did knowingly possess the firearm or firearms in furtherance of, a drug trafficking crime for which he or she may be prosecuted in a court of the United States, that is, conspiracy to possess with intent to distribute and distribution of a controlled substance, in violation of 21 U.S.C. § 846, as charged in Count 1:

Count	Date	Defendant(s)	Firearm(s)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

In violation of 18 U.S.C. § 924(c)(1)(A).

COUNT 6

Violation: 18 U.S.C. § 922(g)(1)
(Felon in possession of a firearm)

This figure consists of a series of horizontal black bars of varying lengths, arranged in a grid-like pattern. The bars are positioned in rows, with some rows having more bars than others. The lengths of the bars vary significantly, with some being very long and others very short. The bars are set against a white background and have a consistent thickness.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) & 28 U.S.C. § 2461

As the result of committing the foregoing offenses alleged in this indictment, the defendants herein shall forfeit to the United States, pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461:

1. any property constituting, or derived from, and proceeds the defendants obtained, directly or indirectly, as the result of such violations;
2. any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, and/or;
3. any and all firearms, ammunition and accessories seized from the defendants, including, but not limited to the following:

Firearms and Ammunition:

A horizontal bar chart with five bars of increasing length from left to right. The first bar is the shortest, followed by a blank space, then a very long bar, then a medium bar, and finally a long bar. The bars are black on a white background.

Cash Proceeds:

A sum of money equal to \$50,000.00 in United States currency and all interest and proceeds traceable thereto, representing the amount of proceeds obtained by the defendants as a result of the offense(s) alleged in this indictment, for which the defendants are personally liable.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value or;
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendants.

By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461.

A TRUE BILL,

12/16/20
Date

MKF
FOREPERSON OF THE GRAND JURY

STEPHEN J. COX
UNITED STATES ATTORNEY

D. Ryan Locker
D. RYAN LOCKER
ASSISTANT U.S. ATTORNEY
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA

v.

SHAWN CARL GAITAN (01)

[REDACTED]

Case No. 6:20-CR-97
JUDGES JCB/JDC

SEALED

NOTICE OF PENALTY

COUNT 1

Violation: 21 U.S.C. § 846 (Conspiracy to possess with intent to distribute and distribution of a controlled substance (methamphetamine))

Penalty: If more than 50 grams of actual methamphetamine - imprisonment of not less than 10 years, but not more than life, a fine not to exceed \$10 million (or twice any pecuniary gain to the defendant or loss to any victim), or both, and supervised release of at least 5 years, but not more than life;

If a defendant has a previous final conviction for a felony drug offense, said defendant shall be imprisoned not less than 15 years and not more than life; a fine not to exceed \$20,000,000, or both; and a term of supervised release of at least 10 years.

If a defendant has two previous final convictions for felony drug offenses, said defendant shall be imprisoned not less than 25 years and not more than

life; fined up to \$20,000,000, or both; and a term of supervised release of at least 10 years.

Special Assessment: \$100.00

COUNTS 2-5

Violation: 18 U.S.C. § 924(c) (Use, carrying and possession of a firearm during and in furtherance of a drug trafficking crime)

Penalty: Imprisonment for not less than 5 years and not more than life, which must be served consecutively to any other term of imprisonment; a fine not to exceed \$250,000, or both; and a term of supervised release of not more than 5 years.

Special Assessment: \$100.00

COUNT 6

Violation: 18 U.S.C. §§ 922(g)(1), 924(a)(2), and 924(e) (Felon in possession of a firearm or firearms)

Penalty: Imprisonment for not more than 10 years; a fine not to exceed \$250,000, or both; and a term of supervised release of not more than 3 years.

If a defendant has three prior convictions for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be imprisoned not less than 15 years and not more than life.

Special Assessment: \$100.00

AO 442 (Rev. 11/11) Arrest Warrant

Sealed

Public and unofficial staff access
to this instrument are
prohibited by court order

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION
DOCUMENTS RECEIVED

8:58 am Dec 18, 2020

United States of America

v.

SHAWN CARL GAITAN

) Case No. 6:20-CR-97-1(JCB/JDL)
)
)
)
)
)

4:21-MJ-0105

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) SHAWN CARL GAITAN,

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Count 1 ~ 21 USC 846 ~ Conspiracy to possess with the intent to distribute and distribution of a controlled substance
(methamphetamine)Date: 12/16/2020David A. O'Toole

Issuing officer's signature

City and state: TYLER, TEXASDavid A. O'Toole, Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:34806983@txs.uscourts.gov
Subject:Activity in Case 21-105 Sealed v. Sealed (Redacted Notice)
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/19/2021 at 12:37 PM CST and filed on 1/19/2021

Case Name: USA v. SEALED

Case Number: 4:21-mj-00105 *SEALED*

Filer:

Document Number: No document attached

Docket Text:

***Set Hearing as to Shawn Carl Gaitan: Initial Appearance – Rule 40 set for 1/19/2021 at 02:00 PM before Magistrate Judge Frances H Stacy (sanderson, 4)

4:21-mj-00105 *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:34808965@txs.uscourts.gov
Subject:Activity in Case 21-105 Sealed v. Sealed (Redacted Notice)
Content-Type:text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/19/2021 at 3:00 PM CST and filed on 1/19/2021

Case Name: USA v. SEALED

Case Number: 4:21-mj-00105 *SEALED*

Filer:

Document Number: No document attached

Docket Text:

Minute Entry by video for proceedings held before Magistrate Judge Frances H Stacy: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Shawn Carl Gaitan held on 1/19/2021. Defendant requests appointed counsel. Financial Affidavit executed. Order appointing Federal Public Defender. Defendant ordered removed to originating district. Appearances:H Winter f/ausa; T Keck f/ausa.(Court Reporter: ERO)(Digital # 2:17-2:25/2:53-2:56)(ERO:M Morgan) Deft remanded to custody, filed.(bwhite, 4)

4:21-mj-00105 *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:34806970@txs.uscourts.gov
Subject:Activity in Case 21-105 Sealed v. Sealed (Redacted Notice)
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/19/2021 at 12:36 PM CST and filed on 1/19/2021

Case Name: USA v. SEALED

Case Number: 4:21-mj-00105 *SEALED*

Filer:

Document Number: No document attached

Docket Text:

Arrest (Rule 40) of Shawn Carl Gaitan, filed. (sanderson, 4)

4:21-mj-00105 *SEALED*-1 No electronic public notice will be sent because the case/entry is sealed.

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§

§

versus

§ Case No. 4:21-mj-00105 *SEALED*

§

Shawn Carl Gaitan

§

COMMITMENT TO ANOTHER DISTRICT

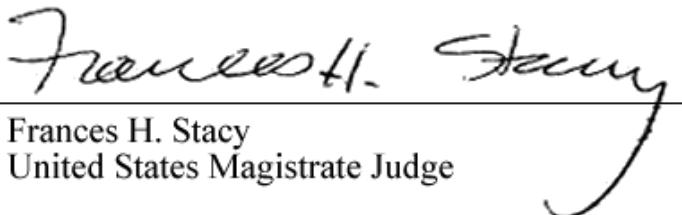
The defendant has been ordered to appear in the **E/D/TX, in 6cr97 (charging District's case number)**.

The defendant is requesting court appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: January 19, 2021



Frances H. Stacy
United States Magistrate Judge

Government moved for detention and Defendant detained pending a hearing in District of offense.